

PATENT

Atty. Dkt. No. WEAT/0372

REMARKS

This is intended as a full and complete response to the Office Action dated February 16, 2005, having a shortened statutory period for response set to expire on May 16, 2005. Claims 1-45 are currently pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 8 and 44 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Applicants have amended claims 8 and 44 accordingly. Therefore, Applicants respectfully request the rejection of claims 8 and 44 be removed.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1 and 6 as being anticipated by *Tibbitts* '440. In response, Applicants have amended claims 1 and 6.

As amended, claim 1 includes the limitation of a cutting member releasably connectable with the profile, wherein the connection is releaseable along at least two axis and the profile is adapted to maintain the cutting member on the profile during operation. *Tibbitts* does not disclose a cutting member releasably connectable with a profile, wherein the connection is releaseable along at least two axis. In contrast, the cutting member (126) disclosed in *Tibbitts* is releasable along a single axis which is shown in Figure 9 as the T-shaped channel (120). Claim 6 was amended to include the limitation of claim 15 which the Examiner indicated as allowable in the Allowable Subject Matter section of the office action. *Tibbitts*, therefore fails to teach each and every limitation of claims 1 and 6 and this failure prevents *Tibbitts* from anticipating claims 1 and 6. For the reasons discussed herein, Applicants submit that claims 1 and 6 are in condition for allowance and respectfully requests withdrawal of the § 102(b) rejection.

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Additionally, claims 2-5 depend from amended claim 1 and claims 10, 14, and 17 depend from amended claim 6, and they are allowable for at least the same reasons as amended claims 1 and 6.

The Examiner rejected claims 38-45 as being anticipated by *Rector, Jr.* '482. Additionally, the Examiner rejected claims 38-45 as being anticipated by *Bailey, et al.* '819. In response, Applicants have amended claim 38 and cancelled claims 39, 41, and 42.

As amended claim 38 includes the limitation of an obstruction member retainer including a first seating surface and a second seating surface adapted to cooperate with an obstruction member that is movable from engagement with the first seating surface into engagement with the second seating surface, wherein the obstruction member retainer and the obstruction member interact to provide selective fluid communication through the bore. Neither *Rector, Jr.* nor *Bailey, et al.* disclose an obstruction member retainer having a first seating surface and a second seating surface wherein one obstruction member is engagable with the first seating surface and the second seating surface. Rather, *Rector, Jr.* discloses a body having a first seating surface to accommodate a first ball and a second seating surface to accommodate a second ball. (See *Rector, Jr.* col. 4, lines 3-4 and lines 29-33) Similarly, *Bailey, et al.* discloses a body having a first shoulder to accommodate a plug member in a valve and a second shoulder to accommodate the valve. *Rector, Jr.* and/or *Bailey, et al.* therefore fail to teach each and every limitation of claim 38 and this failure prevents *Rector, Jr.* and/or *Bailey, et al.* from anticipating claim 38. For the reasons discussed herein, Applicants submit that claim 38 is in condition for allowance and respectfully requests withdrawal of the § 102(b) rejection. Additionally, since claims 40 and 43-45 depend from amended claim 38, they are allowable for at least the same reasons as amended claim 38.

Allowable Subject Matter

The Examiner indicated that claims 20-37 are allowable. Applicants appreciate allowance of claims 20-37.

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The Examiner has objected to claims 7, 9, 11-13, 15, 16, 18, and 19 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As stated herein, the limitations of claim 15 have been added to claim 6. Additionally, claims 7, 9, 11-13, 16, 18, and 19 depend from amended claim 6 and should be allowable for at least the same reasons as claim 6. Therefore, Applicants respectfully request allowance of claims 7, 9, 11-13, 16, 18, and 19.

New Claims

Claims 46 and 47 were added to capture aspects of the present invention. Applicants believe the references cited by the Examiner, alone or in combination, do not teach, show, or suggest an obstruction member having a first position engagable with a first seating surface in an obstruction member retainer and a second position engagable with a second seating surface in the obstruction member retainer and a biasing member biasing the obstruction member to the second position. For this reason, Applicants believe new claims 46 and 47 are in condition for allowance, and respectfully requests allowance of the same.

Supplemental Information Disclosure Statement

A supplemental information disclosure statement (SIDS) was filed with the USPTO on April 12, 2005. For convenience, a copy of the 1449 Form as filed is attached. Applicants believe that the references cited in the SIDS neither alone nor in combination, teach, disclose, or suggest the invention disclosed in the pending claims.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a

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detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



William B. Patterson
Registration No. 34,102
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete If Known

Application Number	10/788,976
Filing Date	February 27, 2004
First Named Inventor	David McKay
Art Unit	3672
Examiner Name	Frank Tsay
Attorney Docket Number	WEAT/0372

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. *	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-6,857,487	02-22-2005	Galloway	
		US- 6,857,486	02-22-2005	Chitwood, et al	
		US- 6,854,533	02-15-2005	Galloway	
		US- 6,848,517	02-01-2005	Wardley	
		US-6,840,322	01-11-2005	Haynes	
		US-6,752,211	06-22-2004	Dewey, et al.	
		US-6,745,834	06-08-2004	Davis, et al.	
		US-6,725,924	04-27-2004	Davidson, et al.	
		US-6,708,789	03-23-2004	Haugen, et al.	
		US-6,668,684	12-30-2003	Allen, et al.	
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		US-6,655,460	12-02-2003	Bailey, et al.	
		US-6,651,737	11-25-2003	Bouigny	
		US-6,585,040	07-01-2003	Hanton, et al.	
		US-6,536,522	03-25-2003	Birkhead, et al.	
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		US-6,433,241	09-03-2002	Juhasz, et al.	
		US-6,378,633	04-30-2002	Moore	
		US- 6,371,203	04-16-2002	Frank, et al.	

COPY**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. *	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T*
		Country Code ² - Number ² - Kind Code ² (if known)				
		EP 0479583	04-08-1992	Gonzalez, et al.		
		EP 1148206	10-24-2001	Scott, et al.		
		GB 2381809	05-14-2003	Ohmer		
		GB 2347445	09-06-2000	Metcalfe, et al.		
		WO 99/24689	05-20-1999	Collins		
		WO 99/04135	01-28-1999	Collins		
		WO 97/05360	02-13-1997	Collins		
		WO 03/074836	09-12-2003	Philip		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 Atty. Dkt. No. WEAT/0372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
 David McKay, et al.

Serial No.: 10/788,976

Confirmation No.: 6867

Filed: February 27, 2004

For: DRILL SHOE

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Group Art Unit: 3672

Examiner: Frank Tsay

Customer No.: 36735

MAIL STOP AMENDMENT
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Dear Sir:

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I hereby certify that the correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on <u>15 April 2005</u>	
<u>William B. Patterson</u> Signature	
<u>William B. Patterson</u> Typed or Printed Name	
<u>34.102</u> Registration No., if applicable	<u>(713) 623-4844</u> Telephone Number

RESPONSE TO OFFICE ACTION DATED FEBRUARY 16, 2005

In response to the Office Action dated February 16, 2005, having a shortened statutory period for response set to expire on May 16, 2005, please enter this response and reconsider the claims pending in the application for reasons discussed below. The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/WEAT/0372/WBP the fee of \$200.00 for one additional Independent claim, along with any other fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. **Remarks/Arguments** begin on page 9 of this paper.

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Atty. Dkt. No. WEAT0372**IN THE CLAIMS:****COPY**

1. (Currently Amended) An earth removal apparatus, comprising:
a first body portion;
a second body portion at least partially receivable within the first body portion;
a profile formed on an outer surface of the second body portion; and
a cutting member releasably connectable engaged with the profile, wherein the connection is releaseable along at least two axis and the profile is adapted to maintain the cutting member on the profile during operation.
2. (Original) The earth removal apparatus of claim 1, wherein the profile comprises at least two intersecting faces, wherein one of the faces provides a support against rotation of the cutting member.
3. (Original) The earth removal apparatus of claim 1, wherein the profile substantially prevents movement of the cutting member in the profile.
4. (Original) The earth removal apparatus of claim 1, wherein the cutting member comprises a first end and a second end, wherein the second end is selectively detachable from the profile.
5. (Original) The earth removal apparatus of claim 4, wherein the second end is attached to the second body portion.
6. (Currently Amended) An earth removal apparatus, comprising:
a drillable body portion having one or more passages therethrough;
at least one profile formed on an outer surface of the drillable body portion, the at least one profile including at least two intersecting faces, wherein one of the faces includes a projection thereon; and
a blade matingly engageable with the at least one profile.

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7. (Original) The earth removal apparatus of claim 6, further comprising a sleeve disposed around a portion of the drillable body portion.

8. (Currently Amended) The earth removal apparatus of claim 7 ~~[[6]]~~, wherein the at least one profile extends into an outer surface of the sleeve, the blade additionally received in the at least one profile in the sleeve.

9. (Original) The earth removal apparatus of claim 6, wherein the projection is rectangular in cross section, and the blade includes a slot therein for receiving the projection.

10. (Original) The earth removal apparatus of claim 6, wherein the at least one profile is machined into the drillable body portion.

11. (Original) The earth removal apparatus of claim 6, wherein the blade is bonded to the at least one profile.

12. (Original) The earth removal apparatus of claim 6, further comprising a filler disposed between the blade and the at least one profile.

13. (Original) The earth removal apparatus of claim 6, wherein the at least one profile includes opposed linear sections thereof, the linear sections offset from one another by an included angle of less than 90 degrees.

14. (Original) The earth removal apparatus of claim 6, further including a preform disposed in the drillable body portion, the preform having the at least one profile therein.

15. (Cancelled)

16. (Currently Amended) The earth removal apparatus of claim 6 ~~[[15]]~~, further including a passage closure member.

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17. (Original) The earth removal apparatus of claim 6, wherein the profile comprises a notch.

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18. (Original) The earth removal apparatus of claim 6, further comprising a sleeve.

19. (Original) The earth removal apparatus of claim 18, wherein the drillable body portion comprises aluminum.

20. (Original) A drill bit, comprising:
a first body portion;
a drillable second body portion;
at least one profile formed integral with at least one of the first body portion and the drillable second body portion, the at least one profile having at least two opposed segments having a discernable orientation;
a cutting member received in the at least one profile and having the discernable orientation; and
the discernable orientation including an included angle between the opposed segments of less than ninety degrees.

21. (Original) The drill bit of claim 20, wherein:
the cutting member includes a segmented profile having a slot therein;
the at least one profile having a projection engageable with the slot; and
wherein the cutting member is positioned in the at least one profile such that the projection is received in the slot.

22. (Original) The drill bit of claim 20, wherein the at least one profile extends within the drillable second body portion and the first body portion.

23. (Original) The drill bit of claim 20, wherein the at least one profile is machined into the drillable second body portion.

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24. (Original) The drill bit of claim 20, wherein the first body portion comprises a sleeve.

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25. (Original) A method of drilling with casing, wherein a drillable drill bit is provided, comprising:

- providing a drill bit support at a lower end of the casing;
- locating a drillable body portion within the drill bit support;
- providing a blade receiving member, integral with at least one of the drill bit support and the body portion, the receiving member including a profile;
- positioning a blade having a mating profile on the receiving member; and
- using the drill bit to form a wellbore, wherein the profile is adapted to substantially maintain the blade on the blade receiving member during drilling.

26. (Original) The method of claim 25, further including configuring the blade with at least a first and a second opposed portion, the first and second portions being positioned, relative to one another, by an included angle of less than ninety degrees.

27. (Original) The method of claim 26, wherein providing the blade receiving member comprises machining a preform to provide the profile thereon.

28. (Original) The method of claim 26, wherein providing the blade receiving member comprises disposing a preform on at least one of the drill bit support and the body portion to provide the profile thereon.

29. (Original) The method of claim 26, further comprising moving at least a portion of the drillable body portion out of the drill bit support.

30. (Original) The method of claim 29, further comprising bending the first portion relative to the second to increase the included angle to greater than ninety degrees.

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31. (Original) A method of completing a wellbore, comprising:
providing an earth removal apparatus at a lower of a drill string, the earth removal apparatus having:
first body portion; and
a drillable portion disposed in the first body portion, the drillable portion including a bore;
forming the wellbore;
blocking the bore from fluid communication;
moving the drillable portion relative the first sleeve portion; and
re-establishing fluid communication between an inner portion of the earth removal apparatus and the wellbore.

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32. (Original) The method of claim 31, wherein blocking the bore comprises landing a ball in a ball seat disposed in the bore.

33. (Original) The method of claim 32, wherein establishing communication comprises pumping the ball through the ball seat.

34. (Original) The method of claim 31, further comprising preventing a fluid in the wellbore from entering the drill string.

35. (Original) The method of claim 31, further comprising forming a receiving profile on a bottom surface of the drillable portion.

36. (Original) The method of claim 35, further comprising providing a blade with a mating profile formed thereon by engaging receiving profile with the mating profile.

37. (Original) The method of claim 36, wherein the receiving profile includes a projection formed thereon.

38. (Currently Amended) A downhole valve, comprising:

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a first body portion;
a bore disposed through the first body portion; and
an obstruction member retainer at least partially disposed in the bore, wherein the obstruction member retainer including a first seating surface and a second seating surface ~~[[is]]~~ adapted to cooperate with an obstruction member that is movable from engagement with the first seating surface into engagement with the second seating surface, wherein the obstruction member retainer and the obstruction member interact to provide selective fluid communication through the bore.

39. (Cancelled)

40. (Currently Amended) The downhole valve of claim 38 ~~[[39]]~~, further comprising a biasing member disposed inside the bore and below the obstruction member retainer.

41. (Cancelled)

42. (Cancelled)

43. (Currently Amended) The downhole valve of claim 38 ~~[[42]]~~, wherein the obstruction member is urged into engagement with the second seating surface by the biasing member.

44. (Currently Amended) The downhole valve of claim 38, wherein the ~~[[drillable]]~~ body portion comprises aluminum.

45. (Original) The downhole valve of claim 38, wherein the obstruction member retainer comprises a flexible material.

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Please add the following new claims:

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46. (New) A downhole valve, comprising:
an obstruction member having a first position engagable with a first seating surface in an obstruction member retainer and a second position engagable with a second seating surface in the obstruction member retainer; and
a biasing member biasing the obstruction member to the second position.
47. (New) The downhole valve of claim 46, wherein the obstruction member is passable through the obstruction member retainer to the second position.

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Claim Rejections Under 35 U.S.C. § 102(b)

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Allowable Subject Matter

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New Claims

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Respectfully submitted,

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William B. Patterson
Registration No. 34,102
MOSE, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants